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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 20040702

Application Number: 09/437,278

Filing Date: November 10, 1999

Appellant(s): DONOVAN ET AL.

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JUL 1

GRD

Thomas H. Reger II, Reg. No. 47,892
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 4/2/04.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 2-4,7,8,10, 11, 14-20, and 24-30 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) Prior Art of Record

| | | |
|-----------|------------------|---------|
| 6,125,371 | BOHANNON et al | 9-2000 |
| 5,253,166 | DETTELBACH et al | 10-1993 |
| 6,212,512 | BARNEY et al | 4-2001 |

(10) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 24,3-4,29,14-15,19-20,25,27, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon et al (USPN 6,125,371—referred to hereinafter as Bohannon) and Dettelbach et al (USPN 5,523,166).

Claim 24) Bohannon teaches a system, comprising:

- a data store; and (col. 4, lines 4-26)
- a server coupled to the data store, the server: (col. 4, lines 4-26)
 - receiving from a service provider a first record relating to a first type of record, the first record comprising attributes and a first version number; (Figure 1; col. 3,

lines 52-60— Any file (i.e. any format) may be received and accommodated by the system.)

- associating the first reservation record with a first time stamp; (Figure 1, col. 4, line 55-col. 5, line 48)
- adding the first reservation record and time stamp to the data store using the first reservation record format; (Figure 1, col. 4, line 55-col. 5, line 48- Any file may be accommodated and no conversion process occurs in the storing process.)
- receiving from a service provider a second record relating to the first type of record (e.g. update to the record/file), the second record comprising at least a portion of the attributes associated with the first reservation record and a second version number different from the first version number, (Figure 1; col. 3, lines 52-60; col. 4, line 55-col. 5, line 48)
- associating the second reservation record with a second time stamp; (Figure 1, col. 4, line 55-col. 5, line 48)
- adding the second reservation record and time stamp to the data store using the second reservation record format. (Figure 1, col. 4, line 55-col. 5, line 48: Any file may be accommodated and no conversion process occurs in the storing process.)

Bohannon further discloses that the system provides timestamps and version numbers for the records. Bohannon does not expressly teach the specific data recited in claims (i.e. that the records/files contain reservation data or travel attributes). Moreover, Bohannon does not expressly disclose that the formats from the service

provider contain different file types with travel attributes arranged in different formats. However, Bohannon does disclose that the system/method accommodates any file, entry, record, field, item, or other data associated with at least one database (col. 3, lines 57-60). Dettelbach teaches a system wherein information from a single service provider (i.e. queue file Q99) contains a plurality of reservation file types (e.g. customer data, hotel, air, car, departure authorization) with travel attributes arranged in different formats. (col. 4, lines 41-52, line 60-col. 6, lines 15) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Bohannon with the teachings of Dettelbach to accommodate various types of data, including travel/ reservations data. One would have been motivated to include reservation data among the types of data accommodated by the Bohannon system to provide an efficient means to logically and economically age reservation data record versions in the main memory of a database, thereby allowing memory space to be reclaimed as it is needed. (Bohannon: col. 2, lines 48-52)

Claim 3) Bohannon and Dettelbach in combination teach a system for storing travel reservation data comprising a computer (i.e. server) coupled to a data store. Bohannon further discloses that the system provides timestamps and version numbers for the records. Bohannon and Dettelbach do not expressly teach the specific data recited in claims (i.e. that the wherein the second reservation record comprises travel reservation data associated with a city pair.) However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements of the system. In other words, the recited

steps are not specific to and do not require that the data is reservation or travel data. (e.g. No travel reservations are made requiring the recited data; no actual pricing manipulations are performed requiring the recited data.) Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106. At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Bohannon and Dettelbach to accommodate various types of data, including reservations data associated with city pair. One would have been motivated to include reservation data among the types of data accommodated by Bohannon and Dettelbach in combination to provide an efficient means to logically and economically age reservation data record versions in the main memory of a database, thereby allowing memory space to be reclaimed as it is needed. (Bohannon: col. 2, lines 48-52)

Claim 4 Bohannon teaches a system wherein the second record is added to the data store by using the time stamp as a key into a database. (col. 5, lines 19-48; col. 6, lines 18-31; col. 8, lines 13-44)

Claim 29 Bohannon teaches a method for organizing data, comprising:

- receiving from a service provider a first record relating to a first type of record, the first record comprising attributes and a first version number, the attributes arranged in a first record format; (Figure 1; col. 3, lines 52-60— Any file (i.e. any format) may be received and accommodated by the system.)

- associating the first reservation record with a first time stamp; (Figure 1, col. 4, line 55-col. 5, line 48)
- adding the first reservation record and time stamp to a data store using the first reservation record format; (Figure 1, col. 4, line 55-col. 5, line 48-no file conversion takes place in process of storing)
- receiving from a service provider a second reservation record relating to the first type of record, the second reservation record comprising at least a portion of the attributes associated with the first reservation record and a second version number different from the first version number, (Figure 1; col. 3, lines 52-60; col. 4, line 55-col. 5, line 48)
- associating the second reservation record with a second time stamp; and (Figure 1, col. 4, line 55-col. 5, line 48)
- adding the second reservation record and time stamp to the data store using the second reservation record format. (Figure 1, col. 4, line 55-col. 5, line 48-Any file may be accommodated. Also, no conversion process takes place.)

Bohannon teaches a method for storing a plurality of records in a data store and further discloses that the system/method provides timestamps and version numbers for the records. Bohannon does not expressly teach the specific data recited in claims (i.e. that the records/files contain reservation data or travel attributes). Moreover, Bohannon does not expressly disclose that the formats from the service provider contain different file types with travel attributes arranged in different formats. However, Bohannon does disclose that the system/method accommodates any file, entry, record, field, item, or

other data associated with at least one database (col. 3, lines 57-60). Dettelbach teaches a system wherein information from a single service provider (i.e. queue file Q99) contains a plurality of reservation file types (e.g. customer data, hotel, air, car, departure authorization) with travel attributes arranged in different formats. (col. 4, lines 41-52, line 60-col. 6, lines 15) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Bohannon with the teachings of Dettelbach to accommodate various types of data, including travel/reservations data. One would have been motivated to include reservation data among the types of data accommodated by the Bohannon system to provide an efficient means to logically and economically age reservation data record versions in the main memory of a database. (Bohannon: col. 2, lines 48-52)

Claim 14) Bohannon and Dettelbach teach a travel information system comprising a computer (i.e. server) coupled to a data store. Bohannon further discloses that the method provides timestamps and version numbers for the stored records. Bohannon does not expressly teach the specific data recited in claims (i.e. that the wherein the second reservation record comprises travel reservation data associated with a city pair.) However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements of the system. The recited method steps would be performed the same regardless of the specific data. In other words, as presently recited, the steps in the recited method are not specific to and do not require that the data is reservation or travel data. (e.g. No travel reservations are made requiring the recited data; no actual

pricing manipulations are performed requiring the recited data.) Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106. At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Bohannon to accommodate various types of data, including travel/ reservations data. One would have been motivated to include reservation data among the types of data accommodated by the Bohannon system to provide an efficient means to logically and economically age reservation data record versions in the main memory of a database, thereby allowing memory space to be reclaimed as it is needed. (Bohannon: col. 2, lines 48-52)

Claim 15) Bohannon and Dettelbach teach a method of claim 29, wherein the second record is added to the data store by using the time stamp as a key into a database. (col. 5, lines 19-48; col. 6, lines 18-31; col. 8, lines 13-44)

Claim 19) As per claim 19, Bohannon teaches a method of retrieving and storing multiple versions of data files wherein the data may be indexed by various file attributes (e.g. by version number or timestamp) (col. 4, line 47-col. 5, line 48). However, Bohannon does not expressly disclose that the system stores travel/reservation data or information on city pairs. Dettelbach teaches a method of retrieving and storing travel reservation data that includes information on city pairs (Figures 3-4 and 6). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Bohannon with the teaching of Dettelbach to index reservation

data files by various file attributes, for example by city pair. One would have been motivated to index the data using various attributes of the data (i.e. city pair or city pair, time stamp, version number) so that the system's users could easily customize the organization and retrieval of the stored data files to suit individual preferences.

Claim 20) Bohannon teaches a system comprising a computer (i.e. server) coupled to a data store. Bohannon further discloses that the system provides timestamps and version numbers for the first and second records and wherein the records comprise attributes. Bohannon does not expressly teach the specific data recited in claims (i.e. wherein the attributes comprise one selected from the group consisting of fares associated with the service provider, rules associated with the service provider, and restrictions associated with the service provider.) However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements of the system. The recited method steps would be performed the same regardless of the specific data. In other words, as presently recited, the steps in the recited method are not specific to and do not require that the data is reservation or travel data. (e.g. No travel reservations are made requiring the recited data; no actual pricing manipulations are performed requiring the recited data.) Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106. At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Bohannon

to accommodate various types of data, including travel/ reservations data. One would have been motivated to include reservation data among the types of data accommodated by the Bohannon system to provide an efficient means to logically and economically age reservation data record versions in the main memory of a database, thereby allowing memory space to be reclaimed as it is needed. (Bohannon: col. 2, lines 48-52)

Claim 25) As per claim 25, the limitations of the present claim substantially duplicate of the limitations of claim 24, with its first and second reservation data records, first and second data formats, timestamps and version numbers. Claim 25 recites differs in that it recites an additional (i.e. third) reservation record with a version number, and a third format, and further recites that the reservation data relates to the second reservation record. Since, the courts have broadly held that the duplication of parts/steps is obvious *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960), it is respectfully submitted that these changes do not present a patentable distinction over the applied prior art of record. The limitations of claim 24 have been shown to be obvious over the system disclosed by Bohannon and Dettelbach in combination, which accommodates any type of file (i.e. format) associated with a database. Therefore, claim 25 is rejected for the same reasons provided in the rejection of claim 24 and incorporated herein.

Claim 27) Bohannon teaches a system comprising a computer (i.e. server) coupled to a data store. Bohannon further discloses that the system provides timestamps and version numbers for first and second records, which allow files to be modified/updated while preserving previous versions of the record (i.e. copying a second version without

modifying previous attributes) (col. 4, lines 10-26). Bohannon does not expressly teach the specific data recited in claims (i.e. that the first and second records include first rule data and second rule data). However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements of the system. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106. At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method/system of Bohannon to accommodate various types of data, including travel/ reservations data. One would have been motivated to include reservation data among the types of data accommodated by the Bohannon/Dettelbach system to provide an efficient means to logically and economically age reservation data record versions in the main memory of a database, thereby allowing memory space to be reclaimed as it is needed. (Bohannon: col. 2, lines 48-52)

Claim 30) As per claim 30, the limitations of the present claim substantially duplicate of the limitations of claim 29, with its first and second reservation data records, first and second data formats, timestamps and version numbers. Claim 30 differs in that it recites an additional (i.e. third) reservation record with a version number, and a third format, and further recites that the reservation data relates to the second reservation

record. Since, the courts have broadly held that the duplication of parts/steps is obvious *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960), it is respectfully submitted that these changes do not present a patentable distinction over the applied prior art of record. The limitations of claim 29 have been shown to be obvious over the system disclosed by Bohannon, which accommodates any type (i.e. any format) of file. Therefore, claim 30 is rejected for the same reasons provided in the rejection of claim 29 and incorporated herein.

3. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon and Dettelbach, and further in view of Official Notice.

Claim 16) Bohannon teaches method of claim 29 as explained in the rejection of claim 29. Bohannon further discloses that the system/method accommodates any type of file, (col. 3, lines 57-60), but does not specifically disclose that the system/method processes different types/format of data records using Prolog. However, it is respectfully submitted that the use of Prolog is old and well known in the computer arts. At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system/method of Bohannon so that different types of files (e.g. formats of files) are processed using Prolog. One would have been motivated to include this feature to provide an efficient means to logically and economically process (e.g. age) reservation data record versions in the main memory of a database.
(Bohannon: col. 2, lines 48-52)

4. Claims 2,26,7,8,10,11,17,18, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon and Dettelbach and further in view of Barney (USPN 6,212,512).

Claim 2) Bohannon and Dettelbach teach system for organizing, versioning, and storing first and second records as explained in the rejection of claim 24. However, Bohannon does not specifically disclose that files are added to the data store by flat file appendage. Barney discloses that the addition of files to a data store by flat file (i.e. flat file appendage) is well known in the art. (col. 3, lines 18-24) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Bohannon and Dettelbach in combination with the teaching of Barney to allow files to be added to the data store by flat file chronologically using the timestamp. One would have been motivated to do this to facilitate the storage and retrieval of the desired information according to user preferences. (Barney: col. 8, lines 5-63)

Claim 26) Bohannon teaches a system, comprising:

- a data store; and (col. 4, lines 4-26)
- a server coupled to the data store, the server (col. 4, lines 4-26):
 - o receiving from a service provider a first record relating to a first type of record, the first reservation record comprising attributes and a first version number, the attributes arranged in a first record format; (Figure 1; col. 3, lines 52-60— Any file (i.e. any format) may be accommodated.)

- associating the first record with a first time stamp; (Figure 1, col. 4, line 55-col. 5, line 48)
- adding the first reservation record and time stamp to the data store using the first reservation record format; (Figure 1, col. 4, line 55-col. 5, line 48--no file conversion takes place in process of storing)
- receiving from a service provider a second record relating to the first type of record, the second record comprising at least a portion of the attributes associated with the first reservation record and a second version number different from the first version number, (Figure 1; col. 3, lines 52-60; col. 4, line 55-col. 5, line 48 —Any file (i.e. any format) may be accommodated.)
- associating the second reservation record with a second time stamp; and (Figure 1, col. 4, line 55-col. 5, line 48)
- adding the second reservation record and time stamp to the data store using the second reservation record format, (Any file may be accommodated. Also, no conversion process takes place) wherein the first reservation record and the second reservation record are added chronologically using the time stamp. (col. 5, line 19-col. 6, line 67)

Bohannon further discloses that the system provides timestamps and version numbers for the records. Bohannon does not expressly teach the specific data recited in claims (i.e. that the records/files contain reservation data or travel attributes). Moreover, Bohannon does not expressly disclose that the formats from a service provider contain different file types with travel attributes arranged in different formats.

However, Bohannon does disclose that the system/method accommodates any file, entry, record, field, item, or other data associated with at least one database (col. 3, lines 57-60). Dettelbach teaches a system wherein information from a single service provider (i.e. queue file Q99) contains a plurality of reservation file types (e.g. customer data, hotel, air, car, departure authorization) with travel attributes arranged in different formats. (col. 4, lines 41-52, line 60-col. 6, lines 15) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Bohannon with the teachings of Dettelbach to accommodate various types of data, including travel/ reservations data. One would have been motivated to include reservation data among the types of data accommodated by the Bohannon system to provide an efficient means to logically and economically age reservation data record versions in the main memory of a database, thereby allowing memory space to be reclaimed as it is needed. (Bohannon: col. 2, lines 48-52)

Also, Bohannon teaches a system wherein files may be arranged chronologically by timestamp, but does not specifically disclose that files are added to the data store by flat file appendage. Barney discloses that the addition of files to a data store by flat file (i.e. flat file appendage) is well known in the art. (col. 3, lines 18-24) At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Bohannon and Dettelbach in combination with the teaching of Barney to allow files to be added to the data store by flat file chronologically using the timestamp. One would have been motivated to do this to facilitate the storage

and retrieval of the desired information according to user preferences. (Barney: col. 8, lines 5-63)

Claim 7) Bohannon teaches a system comprising a computer (i.e. server) coupled to a data store. Bohannon further discloses that the method provides timestamps and version numbers for first and second records. Bohannon does not expressly teach the specific data recited in claims (i.e. wherein the travel attributes comprise old and new fare data associated with the service provider.) However, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements of the system. The recited method steps would be performed the same regardless of the specific data. In other words, the recited steps in the method are not specific to and do not require that the data is reservation or travel data. (e.g. No travel reservations are made requiring the recited data; no actual pricing manipulations are performed requiring the recited data.) Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106. At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Bohannon and Dettelbach in combination to accommodate various types of data, including fare data. One would have been motivated to include reservation data among the types of data accommodated by the Bohannon system to provide an efficient means to logically and economically age reservation data record versions in the main memory of a database,

thereby allowing memory space to be reclaimed as it is needed. (Bohannon: col. 2, lines 48-52)

Claim 8) Bohannon and Dettelbach teach the system of claim 7 as explained in the rejection of claim 7. Furthermore, Bohannon teaches a method of retrieving and storing multiple versions of data files wherein the data may be indexed various file attributes (e.g. by version number or timestamp) (col. 4, line 47-col. 5, line 48). However, Bohannon does not expressly disclose that the system stores travel/reservation data or information on city pairs. Dettelbach teaches a method of retrieving and storing travel reservation data that includes information on city pairs and carriers (Figures 3-4 and 6). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Bohannon with the teaching of Dettelbach to index reservation data files by various file attributes, for example by city pair. One would have been motivated to index the data using various attributes of the data (i.e. city pair, carrier, time stamp, version number) so that the system's users could easily customize the organization and retrieval of the stored data files to suit individual preferences.

Claim 10) Bohannon, Dettelbach and Barney teach the system of claim 26 as explained in the rejection of claim 26. Furthermore, Bohannon teaches a method of retrieving and storing multiple versions of data files wherein the data may be indexed various file attributes (e.g. by version number or timestamp) (col. 4, line 47-col. 5, line 48). However, Bohannon does not expressly disclose that the system stores travel/reservation data or information on city pairs and carriers. Dettelbach teaches a

method of retrieving and storing travel reservation data that includes information on city pairs (Figures 3-4 and 6). At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the method of Bohannon with the teaching of Dettelbach to index reservation data files by various file attributes, for example by city pair and/or carrier. One would have been motivated to index the data using various attributes of the data (i.e. city pair or city pair, time stamp, version number) so that the system's users could easily customize the organization and retrieval of the stored data files to suit individual preferences.

Claim 11) Bohannon teaches a system of claim 26, wherein the time stamp comprises an activation stamp that indicates when the server can initially use the second record. (col. 5, lines 5-48, line 59-col. 6, line 45)

Claim 17) Bohannon and Dettelbach teach the method of claim 29 as explained in the rejection of claim 29. Bohannon further discloses a method wherein files may be added to the data store chronologically using the timestamp, but does not expressly disclose the use of flat file appendage (col. 5, line 19-col. 6, line 67). Barney discloses that the addition of files to a data store by flat file (i.e. flat file appendage) is well known in the art. (col. 3, lines 18-24) At the time of the Applicant's invention, it would have would have been obvious to one of ordinary skill in the art to modify the system of Bohannon and Dettelbach in combination with the teaching of Barney to allow files to be added to the data store by flat file chronologically using the timestamp. One would have been motivated to do this to facilitate the storage and retrieval of the desired information according to user preferences. (Barney: col. 8, lines 5-63)

Claim 18) As per claim 18, Bohannon teaches the method of organizing, versioning, and adding data to a data store as explained in the rejection of claim 29, but does not specifically disclose synchronizing the data with an additional server. Barney teaches a system of synchronizing the files/records with across multiple data storage units (i.e. an additional server). (Figures 9A-B; 13B; col. 3, lines 54-63; col. 14, line 35-col. 15, line 15; col. 16, line 56-col. 18, line 32) The system allows users to check copies of records across various data stores and to copy the same version of these files across the various data stores. At the time of the Applicant's invention, it would have been obvious to one of ordinary skill in the art to modify the system of Bohannon and Dettelbach in combination with the teaching of Barney to allow the files (i.e. the second data file) to be synchronized with an additional server. As suggested by Barney, one would have been motivated to do this to provide a simple and efficient method for protecting system data. (col. 1, line 65- col. 2, line 14)

Claim 28) As per claim 28, the limitations of the present claim substantially duplicate of the limitations of claim 26, with its first and second reservation data records, first and second data formats, timestamps and version numbers. Claim 28 differs in that it recites an additional (i.e. third) reservation record with a version number, and a third format, and further recites that the reservation data relates to the second reservation record. Since, the courts have broadly held that the duplication of parts/steps is obvious *In re Harza*, 274 F.2d 669, 124 USPQ 378 (CCPA 1960), it is respectfully submitted that these changes do not present a patentable distinction over the applied prior art of record. The limitations of claim 26 have been shown to be obvious over the

system disclosed by Bohannon, which accommodates any type of file/data records.

Therefore, claim 28 is rejected for the same reasons provided in the rejection of claim 26 and incorporated herein.

(11) Response to Arguments

NOTE: The heading for the rejection of claims 2,26,7,8,10,11,17,18, and 28 included a typographical error in the Office Action mailed 10/22/03. (Claim 2 was not included in the heading although it was included in the body of the rejection under this heading.)

The Appellant has properly construed the grounds of rejection in the Appeal Brief and the grounds of rejection have not been altered. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bohannon and Dettelbach and further in view of Barney (USPN 6,212,512) for the reasons given in the Office Action mailed 10/22/03.

(A) On pages 7-8 of the Appeal Brief, paragraph (A), Appellant argues that the Examiner has relied on improper hindsight to reconstruct the Appellant's invention and has not met the legal standard for obviousness.

In response to Appellant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does

not include knowledge gleaned only from the Appellant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). It is respectfully submitted that motivations for combining the applied references would have been within the knowledge of one of ordinary skill in the art, and in most instances, the motivations were suggested by or expressly disclosed in the prior art of record.

(B) On pages 8-10 and 12-15 of the Appeal Brief, the Appellant argues that the combination of references (Bohannon in view of Dettelbach) fails to disclose various aspects of claim 24. The Appellant further argues that the combination of references is improper because Dettelbach teaches away from the Appellant's invention.

In response to Appellant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Moreover, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; *nor is it that the claimed invention must be expressly suggested in any one or all of the references*. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

In the present case, Bohannon has been cited to disclose a system and data store that receives and maintains multiple versions of a file with timestamps. The system also accommodates multiple file types (e.g. formats). (col. 3, lines 52-60) Furthermore, as per the Appellant's arguments regarding Bohannon on pages 9-10, the Examiner understands the update transaction described in Bohannon (e.g. col. 4, lines 10-26) to mean that when an update transaction is desired, the system archives a version of the file before modifications are made "to make this file the most recent 'past' version" (i.e. a first record relating to a first type of record) (col. 4, lines 15-27) and then makes the modified copy of the file "the new 'current' (or successor) version of the same." In other words, the Bohannon system receives (e.g. from a service provider) and maintains different versions of records with different timestamps. (i.e. a first record and a second record relating to the first type of record.) Bohannon has not been relied upon to disclose that the two records received and maintained are different formats or that the files contain travel and reservation information. However, Bohannon does disclose that the system accommodates a plurality of file types.

Dettelbach has been relied upon to disclose a system wherein travel and reservation information is received from a single service provider (e.g. Q99) in a plurality of formats. (col. 4, lines 41-52, line 60-col. 6 line 15; see also Figures 5A-5B). The Examiner understands the term "service provider" to include any entity (e.g. computer, human operator, memory component, software component) that provides a service, including the generic storage or transmission of information. If the Appellant intends to limit the interpretation of the term to include certain types of service providers (e.g.

travel agents, airlines companies, transportation providers, hotels), then the claim language should reflect such limitations. Alternatively, the Appellant should specify portions of the originally filed disclosure which clearly define the term.

It is this combination (Bohannon in view of Dettelbach) that has been provided to address the recited claim limitations of claim 24. Furthermore, it is respectfully submitted that motivations for combining the applied references would have been within the knowledge of one of ordinary skill in the art at the time of the Appellant's invention. Indeed, most motivation statements were suggested by or expressly disclosed in the prior art of record. Thus, the combination of references (for claim 24) is proper, and should be maintained.

(C) On pages 10-11 of the Appeal Brief, Appellant argues that Dettelbach does not address the deficiencies of Bohannon because it teaches one common format for each record type.

Again, the Examiner respectfully disagrees with the Appellant's interpretation of the art. While the Appellant may intend a particular definition with the recitation of the term "format" in the current claim language, the Appellant does not point out and the Examiner was unable to find a definition of this term in the current claim language or in the originally filed disclosure to support a narrow interpretation of the term "format."

As in previous responses, the Appellants again argue that Dettelbach specifies a precise format for each record type. While Dettelbach converts files to a transfer file (i.e. .XFR) with ASCII data, there are still various formats within the file(s). For

example, the Dettelbach reference demonstrates that the format of the customer data (i.e. Record_Type, Reference_Number, Transaction_Date, Customer_Code, Name, Address1, Address2,City, State, Country, Address_Code, ...) is distinct from the travel data code format (i.e. Record_Type, Reference_Number, Travaco_Data_Code).

Whether or not the file has been converted to a ".XFR" file, the Examiner submits that there are different formats found the file(s).

The Examiner understands the term "format" to encompass various meanings including, but not limited to the extension/file type, text versus numerical data, different fields provided in a table or a database (e.g. Dettelbach: Figures 5A-5B). If the Appellant intends to limit the interpretation of the term "format", then the claim language should reflect such limitations. Alternatively, the Appellant should specify portions of the originally filed disclosure, which clearly define the term. Otherwise, the Examiner must give the claim language the broadest reasonable interpretation and apply art accordingly.

(D) On page 11 of the Appeal Brief, the Appellant further argues that the Examiner has cited portions of Dettelbach, which are "in direct contrast to the receiving and storing records of the same type in two different formats."

In response to Appellant's argument that the references fail to show certain features of Appellant's invention, it is noted that the features upon which Appellant relies (i.e., receiving and storing records of the same type in two different formats) are not recited in the rejected claim(s). Although the claims are interpreted in light of the

specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The Examiner notes that the current language of claim language recites “first reservation record *relating* to a first record type” and a “second reservation record *relating* to the first record type.” It is respectfully submitted that the record types may be reasonably interpreted as being *related* to one another for a plurality of reasons. (e.g. they contain data relating to the same passenger or for the same travel dates). Thus, the Appellant’s current claim language does not require that receiving and storing records of the *same type in two different formats*.

(E) On pages 12-13 of the Appeal Brief, the Appellant uses quotations and interpretations from previous Office actions to argue the that use of the Dettelbach reference is improper.

In response, it is noted the Appellant has relied upon quotes from the First Office Action, the First Final Rejection, and the First Advisory Action for present application to support Appellant’s position regarding the Dettelbach reference. However, references to these previous Actions are moot, since the Appellant’s claim language has been amended, and the grounds of rejection provided to address the new limitations introduced by the Appellant have also changed.

While the Dettelbach reference was relied upon as a primary reference for the originally presented claims, Dettelbach is a secondary reference in the current art

rejection. Moreover, different aspects of the Dettelbach reference have been relied upon to reject the limitations of the current (amended) claim language.

Furthermore, as previously explained in the second Advisory Action and in the paragraph 11(C) of this Examiner's Answer, the Appellant has relied upon rather narrow interpretations of the terms "record type" and "format." While Dettelbach discloses a conversion process, it also discloses a plurality of formats and record types for reservation data retrieved from "Q99" in Figures 5A-5B (i.e. different fields are filled for each table) and in col. 4, lines 40-col. 6, lines 15.

In the absence of specific definitions in the specification or the claim language, the Examiner must give the claim language the broadest reasonable interpretation. The Examiner understands the term "format" to encompass various meanings including, but not limited to the extension/file type, text versus numerical data, and different fields provided in a table or a database (e.g. Dettelbach: Figures 5A-5B).

(F) On pages 15-16 of the Appeal Brief, the Appellant argues that Claim 27 is a method claim positively reciting a number of functions to be performed with rule data.

In response, the preamble of claim 27 recites "[t]he system of claim 8, the server further...". Moreover, claim 8 is dependent from claims 7 and 26, which all recite a travel pricing system in the preamble, not a method or process, contrary to the Appellant's assertion. The Examiner understands a system to include a series of components. As explained in the rejection of claim 27, the data recited in claim 27 is non-functional descriptive material, since it does not alter the recited structural elements of the system.

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The structural elements remain the same regardless of the specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,


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